

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

FRIDAY, THE 12TH JANUARY 2007 / 22ND PAUSHA 1928

WP(C).No. 1479 of 2007(A)  
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PETITIONER:  
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JAYA. G., H.S.A.(PHYSICAL SCIENCE)  
AMMHS, KARAVALLOOR P.O., KARAVALLOOR,  
RESIDING AT USHA BHAVAN, CHAKKUVARACKAL P.O.,  
KUNNICODE (VIA), KOTTARAKKARA, KOLLAM-691 508.

BY ADV. SRI.V.PHILIP MATHEW

RESPONDENTS:  
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1. STATE OF KERALA, REPRESENTED BY  
THE SECRETARY TO GOVERNMENT, GENERAL  
EDUCATION (J) DEPARTMENT, SECRETARIAT,  
THIRUVANANTHAPURAM.
2. DPI, JAGATHY, THIRUVANANTHAPURAM.
3. DEPUTY DIRECTOR OF EDUCATION,  
KOLLAM.
4. D.E.O., PUNALUR, KOLLAM.
5. MANAGER, THE MAR THOMA & E.A. SCHOOLS  
CORPORATE MANAGEMENT, SCS CAMPUS,  
THIRUVALLA, PATHANAMTHITTA DISTRICT.
6. HEAD MASTER, AMHS, KARAVALLOOR,  
KOLLAM DISTRICT.

BY GOVT. PLEADER SRI. A.J. VARGHESE.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 12/01/2007, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:

**K.M.JOSEPH, J.**

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WP.(C) No. 1479 OF 2007  
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Dated this the 12<sup>th</sup> day of January, 2007

**JUDGMENT**

Case of the petitioner in brief is as follows:

Petitioner was appointed as HSA in M.T.H.S., Channapetta from 1.7.2005 and in A.M.M.H.S., Karavaloor from 5.10.2005. It is not being approved on the ground that protected teacher was not posted in the School at Karavaloor in the light of Ext.P1 Government Order is the complaint of the petitioner. It is stated that the Manager has kept one vacancy unfilled in Karavaloor as evident from Ext.P2, and according to the petitioner the teachers appointed are not willing to work and therefore the denial of approval of the petitioner is not on the fault of the petitioner. Against the order of the DEO declining approval to the appointment of the petitioner, the Manager has preferred Ext.P4 statutory appeal before the Deputy Director, third respondent. Petitioner has also filed Ext. P4 representation.

2. Heard Government Pleader also. In the circumstances I think that a decision should be taken on the appeal. Petitioner would contend

that though the law requires that a decision should be taken in the matter within 30 days, the question of approval was kept pending for a long time.

In such circumstances, having heard learned Government Pleader, the writ petition is disposed of directing the third respondent to consider and take a decision on Exts.P3 in accordance with law after hearing the affected parties within a period of five weeks from the date of receipt of a copy of this judgment. I leave open the contentions of the petitioner.

(K.M. JOSEPH, JUDGE)

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K.M.JOSEPH, JJ.

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W.A. No. OF

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**JUDGMENT**

Dated this the day of February, 2006.